IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

THURSDAY, THE 23RD AUGUST 2007 / 1ST BHADRA 1929

WP(C).No. 12518 of 2004(M)

PETITIONER:

SMT.LAKSHMIKUTTY,
W/O.LATE P.K.CHAKRAPANI,
RESIDING AT PUTHENPARAMBU VELI,
AVALOOKUNNU P.O.,
ARYAD SOUTH,
ALAPPUZHA.

BY ADV. SRI.K.B.DAYAL.

RESPONDENTS:
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1. **THE DISTRICT COLLECTOR,**
   ALAPPUZHA.

2. **THE STATE OF KERALA,**
   REP: BY THE COMMISSIONER & SECRETARY TO GOVERNMENT,
   CENTRAL ADMINISTRATION (FFPA) DEPARTMENT,
   GOVERNMENT SECRETARIAT,
   THIRUVANANTHAPURAM.

3. **THE UNION OF INDIA,**
   REP: BY THE SECRETARY,
   MINISTRY OF HOME AFFAIRS,
   FREEDOM FIGHTERS DIVISION,
   LOK NAYAK BHAVAN,
   NEW DELHI : 110 003.

BY ADV. SRI.C.S.ABDUL SAMMAD, ADDL.CGSC FOR R3,
GOVT. PLEADER V.T.K. MOHANAN R1 & R2.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 23/08/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.12518/2004:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE SSS PENSION SCHEME.

EXT.P.2: COPY OF THE PENSION SANCTIONING ORDER NO. H4-46189/88 DTD. 10/06/1988 ISSUED BY R.1.

EXT.P.3; COPY OF THE APPLICATION DTD. 04/05/98 SUBMITTED BY PETITIONER.

EXT.P.4: COPY OF THE CERTIFICATE DTD. 30/04/1998 ISSUED TO MR. KUNJAN SUKUMARAN.

EXT.P.5: COPY OF THE ABSCONDANCE CERTIFICATE ISSUED TO MR. S. KUMARAN M.P. DTD. 18/03/1974.

EXT.P.6: COPY OF THE ABSCONDANCE CERTIFICATE DTD. 24/06/1973 ISSUED TO MR. S. DAMODARAN M.L.A.

EXT.P.7: COPY OF THE JUDGMENT DTD. 16/07/2002 IN O.P. 30550/1999 (J) OF THIS HON'B LE COURT.

RESPONDENT'S EXHIBITS: NIL.

//TRUE COPY//

prv.

T.R. Ramachandran Nair, J.

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W.P.(C).NO.12518 of 2004-M

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Dated this the 23rd day of August, 2007

JUDGMENT

The prayer in this writ petition is for issuance of a direction for grant of SSS Pension. The petitioner is the widow of a prominent freedom fighter, late Shri P.K. Chakarapani. He took active part in the Punnapra – Vayalar Struggle of 1946 and in connection therewith, an arrest warrant was issued against him in case No.P.E.7/1122. Ext.P3 is the application for grant of pension. The claim is based on the underground suffering pursuant to the warrant of arrest issued against him. The petitioner is also receiving State pension as evidenced by Ext.P2. Exts.P4, P5 and P6 are the certificates issued by veteran freedom fighters which are relied upon by the petitioner.

2. In the counter affidavit filed by the second respondent, it is averred that the District Collector had forwarded the application for SSS Pension, to the Government as per letter dated 7.8.1999 and after scrutiny the application has been returned to the District Collector pointing out certain defects. Therefore, the reason for not recommending the case appears to be the said defects referred to in the counter affidavit.

3. Learned counsel for the petitioner submits that if the petitioner is granted sufficient time, the defects pointed out will be cured and the application will be resubmitted.

4. Therefore, the petitioner is allowed to take steps to cure the defects pointed out in the counter affidavit, within six weeks from today and submit appropriate representation to the District Collector. On receipt of the same, the District Collector shall process the same again and forward the report to the State Government for appropriate action in accordance with law, expeditiously. On receipt of report from the District Collector, the State Government shall forward the same with verification-cum-entitlement report with appropriate recommendation to the Union of India for action at their end, within a further period of two months.

The writ petition is disposed of in the above terms. No costs.

(T.R. Ramachandran Nair, Judge.)

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